

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 28, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

ODELL KINARD, JR.,

Defendant.

Nos. 2:17-CR-0101-WFN-23

ORDER DENYING MOTION FOR
RECONSIDERATION

Pending before the Court is Mr. Kinard's Motion for Reconsideration on 28 U.S.C. § 2255 under Fed. Rule of Civ. P 60(b)(6). ECF No. 1559. Mr. Kinard asks the Court to reconsider denial of his § 2255. Mr. Kinard doesn't cite a specific basis for his motion for reconsideration. Instead, he relitigates the issues raised in his § 2255 "clarifying" his earlier position hoping that the Court will alter the ruling.

The Local Criminal Rules frown on motions to reconsider. "Motions for reconsideration are disfavored..." LCrR 12. Though technically a civil action, because Mr. Kinard seeks to collaterally attack his criminal sentence, the Court looks to the Local Criminal Rules to inform its decision. "The court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence." *Id.* Mr. Kinard has not made a showing of manifest error, nor has he made a showing of new facts or legal authority not previously known / available to him. The Court sees no justification for revisiting the previous ruling pursuant to either Fed. R. Civ. P. 60(b)(6) or LCrR 12. Consequently, the Court will not reconsider the prior decision.

1 The Court has reviewed the file and motion and is fully informed. Accordingly,
2 **IT IS ORDERED** that Mr. Kinard's Motion for Reconsideration on 28 U.S.C. §2255
3 under Fed. Rule of Civ. P 60(b)(6), filed June 13, 2022, **ECF No. 1559**, is **DENIED**.

4 The District Court Executive is directed to file this Order and provide copies to
5 counsel and *pro se* Defendant.

6 **DATED** this 28th day of June, 2022.

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9 WM. FREMMING NIELSEN
10 SENIOR UNITED STATES DISTRICT JUDGE

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